

**Notice of Allowability**

Application No.

09/762,039

Examiner

Blessing M. Fubara

Applicant(s)

KIM ET AL.

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/30/03.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_\_
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
(a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.  
(b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.  
(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- 1 ☐ Notice of References Cited (PTO-892)
- 2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3 ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. \_\_\_\_\_
- 4 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5 ☐ Notice of Informal Patent Application (PTO-152)
- 6 ☒ Interview Summary (PTO-413), Paper No. 11/24/03.
- 7 ☒ Examiner's Amendment/Comment
- 8 ☒ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

**THURMAN K. PAGE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1600**

### **DETAILED ACTION**

Examiner acknowledges receipt of amendment and remarks filed 10/31/03. Claims 1-6 are pending and claims 7-19 are canceled.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel S. Kim on 11/24/03.

The application has been amended as follows:

In claim 1, section (c) line 3, replace "9c)" with ---(c)---

Cancel claims 7-19.

### ***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance:

Straub (EP 0 100 890) teaches a copolymer obtained by free radical copolymerization of an alkyl acrylate or methacrylate, water-soluble neutral nitrogen containing monomer, cation-group containing monomer and a 3 or 4 carbon unsaturated carboxylic acid. The polymer is obtained by free-radical copolymerization of 20-75% ethyl, n-butyl, tert-butyl or lauryl acrylate

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or methacrylate or mixtures thereof, 5-50% N-vinylpyrrolidone, N-vinylcaprolactam or mixture thereof, 1-25% n-vinylimidazole, 1-vinyl-2-methylimidazole or mixtures thereof and 1-25% of acrylic acid or methacrylic acid. The polymer has a K value of from 12-75 when measured in ethanol at 25 °C. The polymeric composition of Straub finds utility in hair sprays, fixatives, and auxiliaries in shampoos and setting compositions. See abstract. The instant polymer excludes the presence of imidazoles.

Potthoff-Karl et al (US 5,132,417) teaches a copolymer or tert butyl acrylate and/or tert-butyl methacrylate obtained by free radical polymerization of from 20-90% tert-butyl acrylate and /or tert-butyl methacrylate, from 10-60% N-vinylpyrrolidone and from 0-30% C1-C20- alkyl acrylate, C1-C20 alkyl methacrylate, a C2-C4-hydroxyalkyl methacrylate or vinyl acetate or mixtures thereof (abstract). Component (c) of the polymer of Potthoff does not contain an amine group.

Thus, in light of the foregoing discussion, the pending claims are allowable.


3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blessing M. Fubara whose telephone number is 703-308-8374. The examiner can normally be reached on 7 a.m. to 3:30 p.m. (Monday to Friday).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on 703-308-2927. The fax phone number for the organization where this application or proceeding is assigned is 703-305-3592.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1234.

 Blessing Fubara  
Patent Examiner  
Tech. Center

  
THURMAN K. PAGE  
SUPERVISORY PATENT EXAMINER  
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